

8. (Twice Amended)

B2 The maize plant of claim 2 wherein said maize plant further comprises a genetic factor conferring male sterility.

10. (Amended)

The method of claim 9 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

11. (Amended)

B3 A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 2, wherein said maize plant has derived at least 50% of its alleles from 36N70 and is capable of expressing a combination of at least two 36N70 traits selected from the group consisting of: excellent yield potential for its maturity, good stalk strength, good root strength, good stay green, good early growth, good tolerance to Anthracnose stalk rot, good husk cover, and a relative maturity of approximately 101 based on the Comparative Relative Maturity Rating System for harvest moisture of grain.

14. (Amended)

The method of claim 13 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

15. (Amended)

B4 A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 21, wherein said maize plant has derived at least 50% of its alleles from 36N70 and is capable of expressing a combination of at least two 36N70 traits selected from the group consisting of: excellent yield potential for its maturity, good stalk strength, good root strength, good stay green, good early growth, good tolerance to Anthracnose stalk rot, good husk cover, and a relative maturity of approximately 101 based on the Comparative Relative Maturity Rating System for harvest moisture of grain.

18. (Amended)

The method of claim 17 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

19. (Amended)

B5
A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 16, wherein said maize plant has derived at least 50% of its alleles from 36N70 and is capable of expressing a combination of at least two 36N70 traits selected from the group consisting of: excellent yield potential for its maturity, good stalk strength, good root strength, good stay green, good early growth, good tolerance to Anthracnose stalk rot, good husk cover, and a relative maturity of approximately 101 based on the Comparative Relative Maturity Rating System for harvest moisture of grain.

21. (Twice Amended)

B6
The maize plant of claim 20 wherein said maize plant further comprises a genetic factor conferring male sterility.

23. (Amended)

The method of claim 22 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

24. (Amended)

B7
A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 24, wherein said maize plant has derived at least 50% of its alleles from 36N70 and is capable of expressing a combination of at least two 36N70 traits selected from the group consisting of: excellent yield potential for its maturity, good stalk strength, good root strength, good stay green, good early growth, good tolerance to Anthracnose stalk rot, good

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husk cover, and a relative maturity of approximately 101 based on the Comparative Relative Maturity Rating System for harvest moisture of grain.

27. (Amended)

The method of claim 26 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

28. (Amended)

B8
A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 25, wherein said maize plant has derived at least 50% of its alleles from 36N70 and is capable of expressing a combination of at least two 36N70 traits selected from the group consisting of: excellent yield potential for its maturity, good stalk strength, good root strength, good stay green, good early growth, good tolerance to Anthracnose stalk rot, good husk cover, and a relative maturity of approximately 101 based on the Comparative Relative Maturity Rating System for harvest moisture of grain.

31. (Amended)

The method of claim 30 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

32. (Amended)

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A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 29, wherein said maize plant has derived at least 50% of its alleles from 36N70 and is capable of expressing a combination of at least two 36N70 traits selected from the group consisting of: excellent yield potential for its maturity, good stalk strength, good root strength, good stay green, good early growth, good tolerance to Anthracnose stalk rot, good husk cover, and a relative maturity of approximately 101 based on the Comparative Relative Maturity Rating System for harvest moisture of grain.

Please add new claims 33 - 42 as follows:

33. (New)

A method of making a hybrid maize plant designated 36N70 comprising:
crossing an inbred maize plant GE570937, deposited as _____ with a second inbred maize
plant GE501400, deposited as _____; and
developing from the cross a hybrid maize plant representative seed of which having been
deposited under ATCC Accession Number _____.

34. (New)

B¹⁰
A method of making an inbred maize plant comprising:
obtaining the plant of claim 2 and
applying double haploid methods to obtain a plant that is homozygous at essentially every locus,
said plant having received all of its alleles from maize hybrid plant 36N70.

35. (New)

A method for producing an 36N70 progeny maize plant comprising:
(a) growing the plant of claim 2, and obtaining self or sib pollinated seed therefrom;
and
(b) producing successive filial generations to obtain a 36N70 progeny maize plant.

36. (New)

A maize plant produced by the method of claim 35, said maize plant having received all
of its alleles from hybrid maize plant 36N70.

37. (New)

A method for producing a population of 36N70 progeny maize plants comprising:

- (a) obtaining a first generation progeny maize seed produced by crossing the maize plant of claim 2 with a second maize plant;
- (b) growing said first generation progeny maize seed to produce F_1 generation maize plants and obtaining self-pollinated seed from said F_1 generation maize plants; and
- (c) repeating the steps of growing and harvesting successive filial generations to obtain a population of 36N70 progeny maize plants.

38. (New)

The population of 36N70 progeny maize plants produced by the method of claim 37, said population, on average, deriving at least 50% of its alleles from 36N70.

39. (New)

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could*

A 36N70 maize plant selected from the population of 36N70 progeny maize plants produced by the method of claim 37, said maize plant deriving at least 50% of its alleles from 36N70.

40. (New)

The method of claim 37, further comprising applying double haploid methods to said F_1 generation maize plant or to a successive filial generation thereof.

41. (New)

A method of producing a male sterile maize plant comprising transforming the maize plant of claim 2 with a genetic factor conferring male sterility.

42. (New)

The method of claim 41 wherein a male sterile maize plant is produced.